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10/19/2007 02:28 PM

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cc Lisa M. Campisi/NY/MLBLaw@MorganLewis

bcc

Subject Activity in Case 1:07-cv-08065-LTS E\* Trade Savings Bank  
et al v. National Settlement Agency, Inc. et al ORDER  
SETTING FORTH A PROCEDURE FOR THE  
COORDINATION OF PRE-TRIAL PROCEEDINGS



- Coordination Proposal.pdf

Filed By:

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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INDYMAC BANK, F.S.B.,

Plaintiff,

– against –

NATIONAL SETTLEMENT AGENCY, INC.;  
STEVEN M. LEFF; RACHEL M. LEFF; RICHARD  
A. LEFF; JOHN DOES 1–100,

Defendants.

Case No.: 07 cv 6865 (LTS)

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ABN AMRO MORTGAGE GROUP, INC.,

Plaintiff,

– against –

NATIONAL SETTLEMENT AGENCY, INC.;  
STEVEN M. LEFF; RACHEL M. LEFF; and  
RICHARD A. LEFF,

Defendants.

Case No.: 07 cv 7657 (LTS)

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E\* TRADE SAVINGS BANK and E\* TRADE  
MORTGAGE CORP.,

Plaintiffs,

– against –

NATIONAL SETTLEMENT AGENCY, INC.; FAST  
TRACK TITLE AGENCY LLC, STEVEN M. LEFF;  
RACHEL M. LEFF; RICHARD A. LEFF,

Defendants.

Case No.: 07 cv 8065 (LTS)

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LYDIAN PRIVATE BANK d/b/a VIRTUAL BANK,

Plaintiff,

– against –

STEVEN M. LEFF; RICHARD A. LEFF; RACHEL  
M. LEFF; NATIONAL SETTLEMENT AGENCY,  
INC.,

Defendants.

Case No.: 07 cv 8173 (LTS)

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**ORDER SETTING FORTH A PROCEDURE**  
**FOR THE COORDINATION OF PRE-TRIAL PROCEEDINGS**

**WHEREFORE:**

1. On September 21, 2007, the Honorable Laura Taylor Swain issued an Order Designating Relatedness and Setting Forth a Pre-Trial Coordination Schedule;

2. On October 11, 2007, counsel for plaintiffs and counsel for defendants Steven Leff and Richard Leff met and conferred in accordance with the above Order.

**NOW THEREFORE** the counsel in the above captioned actions agree as follows:

3. Counsel and *pro se* parties in each individual action shall establish, among themselves, separate pre-trial schedules, as may be ordered by the court, and shall not be bound by the pre-trial schedules entered into in the other actions;

4. All counsel and *pro se* parties in all actions shall make good faith efforts to confer with each other when noticing depositions in each individual action so as to avoid, to the extent possible, multiple depositions of the same party or third-party;

5. All counsel and *pro se* parties in all actions shall be entitled to attend and cross-examine at the deposition of any party or third-party in any of the actions, without prejudice to the right to re-notice that party or third-party for deposition, upon good cause shown;

6. All discovery material (including but not limited to subpoenas, interrogatories, document demands, requests for admission, responses thereto, and documents responsive thereto) served in one action shall be served upon all counsel and *pro se* parties in the other actions (by e-mail, U.S. mail, or overnight delivery);

7. Any *ex parte* applications for relief made by any plaintiff shall be served upon all other plaintiffs and any *ex parte* applications for relief made by any defendant shall be served upon all other defendants;

8. If additional cases, deemed related, are filed after the date of this order, counsel to this stipulation shall make good faith efforts to communicate with the parties to the new action in order to apprise them of what has occurred in these four related actions and to obtain their consent to this coordination order;

9. After making good faith efforts, counsel have been unable to agree upon what facts are and are not in dispute among plaintiffs, defendants, and between plaintiffs and defendants. This shall not preclude the parties in each individual action from stipulating to agreed facts among themselves.

10. This stipulation may be signed in any number of counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute a single stipulation. Facsimile signatures shall be deemed originals.

Dated: New York, New York  
October 19, 2007

**FELDMAN WEINSTEIN & SMITH LLP**  
Attorneys to Plaintiff IndyMac Bank  
07 cv 6865 (LTS)

By: \_\_\_\_\_

Eric Weinstein (EW 5423)  
David J. Galalis (DG 1654)  
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**CAHILL GORDON & REINDEL LLP**  
Attorneys to Plaintiff ABN Amro  
07 cv 7657 (LTS)

By: \_\_\_\_\_

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New York, NY 10005  
(212) 701-3406

**MORGAN, LEWIS & BOCKIUS LLP**  
Attorneys to Plaintiff E\* Trade  
07 cv 8065

By: \_\_\_\_\_

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**MILLER & WRUBEL, P.C.**  
Attys to Plaintiff Lydian Private Bank  
07 cv 8173

By: \_\_\_\_\_

Charles Richard Jacob, III  
250 Park Avenue  
New York, NY 10177  
(212) 336-3500

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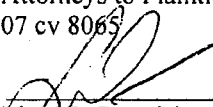
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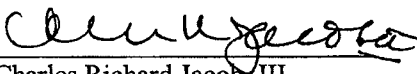
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All Actions

By:

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Michael Neri  
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New York, NY 10016  
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SO ORDERED:

\_\_\_\_\_  
Laura Taylor Swain  
United States District Judge

DATED:

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Attorneys to Defendant Steven M. Leff  
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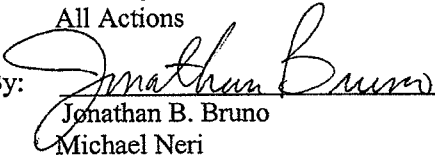
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